

8.0 REVISIONS, COMMENTS, and RESPONSES

8.1 INTRODUCTION

In accordance with Section 15088 of the *California Environmental Quality Act (CEQA) Guidelines*, the County of San Luis Obispo, as the lead agency, has reviewed the comments received on the Draft Environmental Impact Report (DEIR) for the Grading and Stormwater Management Revisions and has prepared written responses to the comments received. The DEIR was circulated for a 45-day public review period that began August 24, 2009 and concluded on October 8, 2009. The comment letters included herein were submitted by one public agency and one trade organization.

Each comment on the Draft EIR that the County received is included in this section. Responses to these comments have been prepared to address the environmental concerns raised by the commentors and to indicate where and how the EIR addresses pertinent environmental issues.

The Draft EIR, Mitigation Monitoring and Reporting Program, and this Comments and Responses section collectively comprise the Final EIR for the Grading and Stormwater Management Revisions. Any changes made to the text of the Draft EIR correcting information, data or intent, other than minor typographical corrections or minor changes, are noted in the Final EIR as changes from the Revised Draft EIR.

The comment letters have been numbered sequentially, and each issue within a comment letter, if more than one, has a letter assigned to it. Each comment letter is reproduced in its entirety with the issues of concern lettered in the right margin. References to the responses to comments identify first the letter number, and second, the lettered comment. Comment 2C, for example, would reference the third issue of concern within the second sequential comment letter.

The focus of the responses to comment is the disposition of environmental issues that are raised in the comments, as specified by Section 15088 (b) of the *State CEQA Guidelines*. Detailed responses are not provided to comments on the merits of the proposed project. However, when a comment is not directed to an environmental issue, the response indicates that the comment has been noted and forwarded to the appropriate decision-makers for review and consideration, and that no further response is necessary.

8.2 REVISIONS TO THE DRAFT EIR

This section presents clarification and modifications to information contained in the Draft EIR. These revisions are based on errata identified by the preparers and also on the comments and responses presented in Section 8.3 (written comments) of this report. Additions are underlined (underlined) where text is added and deletions are shown as strike-through (~~strike-through~~) type. The numbers in parentheses refer to the applicable comment number from the comments and responses discussed in Section 8.3.



1. Section 4.1.1.a is revised in order to reflect a correction in the date:

Agriculture makes a substantial contribution to the County's economy and accounts for approximately 80% of the privately-owned land in the county. In 2008, San Luis Obispo County agricultural production totaled \$606,745,000. The top five crops by value in San Luis Obispo County in ~~2005-2008~~ included: wine grapes (\$124,126,000), broccoli (\$70,914,000), strawberries (\$65,481,000), cattle and calves (\$50,050,000), and vegetable transplants (\$35,682,000). The cattle industry has been one of the top value agricultural commodities in the county since 1928, when crop reports were first conducted. The County has become an increasingly important wine-making region, and the trend of the 1990s to convert ranchlands to vineyards continues.

[Errata]

2. Section 4.1.1.b is revised to delete reference to an erroneous definition from the Natural Resources Conservation Service (NRCS) and to further clarify how the area of prime farmland was calculated

b. Agricultural Soils. *The National Resource Conservation Service (NRCS) surveys soils and assigns a soil capability classification that is used to determine whether the soil is a prime or non-prime agricultural soil. Capability Classes provide insight into the suitability of a soil for field crop uses based on factors that include texture, erosion, wetness, permeability, and fertility. ~~By NRCS definition, Capability Class I and Class II soils qualify as prime soils, depending on irrigation.~~ The California Department of Conservation (DOC) identifies and designates important farmlands throughout the State (2006). According to the United States Department of Agriculture (USDA), Prime Farmland is land best suited for producing food, feed, forage, fiber and oilseed crops and is also available for cropland, pastureland, rangeland, and forestland. It has the soil quality, growing season and moisture supply needed to produce sustained high yields of crops economically when treated and managed (including water management) according to modern farming methods. As of 2006, the total area of Prime Farmland located within San Luis Obispo County was 39,724 acres, approximately 3.1% of the total area inventoried (1,302,168 acres) countywide (California Farmland Conversion Report, FMMP, 2006). This estimate of prime farmland includes only that farmland that was planted within the six years prior to the report.*

[Comment 1C]

3. Section 4.1.1.b is modified to clarify what constitutes *Farmland of Local Importance*.

- *Farmland of Local Importance – land that meets all the qualifications of Prime or Statewide Importance with the exception of irrigation. Additional farmlands include dryland field crops of wheat, barley, oats, and safflower.*



[Comment 1C]

4. Section 4.1.1.c is modified to end after Table 4.1.1. A new Section 4.1.1.d entitled “Valuation” follows.

***d. Valuation.** Although acreage of agricultural land in San Luis Obispo County has declined, total agricultural production valuations from 1999 to 2008 have increased by over \$211 million (refer to Table 4.1-2). Wine grapes continue to hold the top position for value in 2008; however the total valuation decreased approximately 12% from the 2007 value due to adverse weather conditions. However, production of strawberries increased between 2007 and 2008, resulting in a valuation increase of more than 18% and an increase in acreage by 34%. Avocado production rose by approximately 79% indicating recovery from the low winter temperatures in 2007 (all from San Luis Obispo County Department of Agriculture/Weights and Measures Annual Crop Report, 2008).*

[Comment 1D]

5. The previous Section 4.1.1.d (Agricultural Preserves [Land Conservation Act]) is renumbered as Section 4.1.1.e. Clarification is added that state reimbursements are only partial.

***de. Agricultural Preserves (Land Conservation Act).** The County’s agricultural preserve program was created to implement the California Land Conservation Act of 1965, also known as the Williamson Act. Passed by the California Legislature over 40 years ago, the program was designed to protect agricultural and open space lands from urban development. The preservation tool also serves as a tax relief program allowing local governments to enter into contracts with private landowners for the purpose of restricting specific land parcels to agricultural or related open space use. In turn, landowners are able to receive lower tax assessments based on agricultural or open-space uses rather than speculative value. The state has traditionally partially reimbursed participating counties with subvention funds for this foregone tax revenue from contracted properties.*

[Comments 1D and 1E]

6. The previous Section 4.1.1.e (Regulatory Setting) is renumbered as Section 4.1.1.f

ef. Regulatory Setting.

[Comment 1D]

7. Mitigation Measure AG-1(a) is modified to clarify that the County will consider the location of non-agricultural development on farmland when evaluating project’s for their impacts on agricultural resources. This change is also reflected in the Executive Summary.



AG-1(a) ***Project-Specific Consideration of Development on ~~Prime~~ Farmland.** Projects which are subject to environmental review shall be considered for consistency with the Agriculture and Open Space Element. Under the County's established thresholds of significance, removal of prime farmland from production shall be considered an impact. Referrals shall be provided to the Agricultural Commissioner's office for projects occurring on or near agricultural lands. Criteria for evaluating projects relative to agricultural impacts shall include whether non-agricultural development has been located off of farmland to the maximum extent feasible.*

[Comment 1F]

8. The discussion of Impact AG-6 is modified to correct the buffer ranges for rangeland.

The County Department of Agriculture/Weights and Measures maintains recommended standards for setbacks (buffers) and screening techniques between urban development and agricultural property. Buffers are used to address a range of compatibility issues that can either impact the agricultural operation (trespass, litter, vandalism, theft and general liability issues) or adjacent residents (dust, day and night-time noise, odor and heavy vehicle traffic). The Agricultural Commissioner has the authority to impose spray buffers and other restrictions to pest management practices due to development or other potential hazards near agricultural operations. However, some legal pesticides are restricted if residences are in close proximity. Therefore, the development of residences in close proximity to agricultural operations can limit certain legal pesticide applications. The County of San Luis Obispo has developed agricultural buffer policies and procedures that recommend buffer distance ranges for intensive and non-intensive agricultural uses from proposed residential uses. Intensive uses include vineyards and row crops and non-intensive uses include rangeland/pasture uses. The County requires vineyard and row crop buffers ranging between 200 to 600 feet, and rangeland buffers are recommended of 50-~~100-200~~ feet from residential uses.

[Comment 1H]

9. Correction to Mitigation Measure VR-1(b) in the Executive Summary. Measure VR-1(a) was inadvertently duplicated as Measure VR-1(b); the actual text of VR-1(b) was omitted.

VR-1(b) ***Criteria for Grading Permit Approval.** In compliance with the proposed criteria for approval, the County shall issue a grading permit only if it can be demonstrated that the project will not create substantial long-term adverse visual effects. If this criterion cannot be satisfied, a grading permit shall only be issued after a project Environmental Impact Report has been prepared and the review authority has adopted overriding findings. Additionally, the County shall only issue grading permits where the Director first finds:*

- The proposed grading design is consistent with the characteristics and constraints of the site;*



- The extent and nature of proposed grading is appropriate for the use proposed, and will not create site disturbance to an extent greater than that required to establish the use; and
- Proposed grading is consistent with the General Plan and any applicable specific plan. This includes consistency with highway corridor design policies established in several of the area plans.

~~**Project-Specific Consideration of Scenic Resources.** Grading projects which are subject to environmental review, shall be considered for consistency with County thresholds of significance for aesthetics and visual resources. Review of grading proposals shall consider the following:~~

- ~~Removal of trees or visually dominant vegetation.~~
- ~~Location, height, massing, colors, and materials of proposed structures and retaining walls.~~
- ~~Location of driveways or access roads and their associated cut and fill slopes.~~
- ~~Placement of water tanks, propane tanks, and other infrastructure.~~
- ~~Blending of graded slopes with surrounding natural contours.~~
- ~~Blending of proposed landscaping with surrounding natural vegetation.~~
- ~~“Silhouetting” resulting from the placement of structures on ridge-tops~~

~~Appropriate mitigation measures shall be discussed in the Initial Study for projects which have the potential to impact scenic resources.~~

[Errata]

8.3. COMMENTORS on the DRAFT EIR

Commentors on the Draft EIR are shown in Table 1.

Table 1. Commentors on the Draft EIR

#	Commentor	Agency/Organization	Date
1	Michael Isensee	County Agriculture Department	10/7/2009
2	Lisa Bodrogi / Stacie Jacob	Paso Robles Wine Country Alliance	10/7/2009





COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

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October 7, 2009

TO: Murry Wilson & Michael Conger, Project Managers, Planning Department

FROM: Michael Isensee, Agriculture Department *mgil*

RE: Grading and Stormwater Management Ordinances (Ag Dept#1440)

Thank you for the opportunity to provide comments on the grading and stormwater management Draft Environmental Impact Report (DEIR). The Department agrees with the conclusions in the DEIR regarding agricultural resource impacts.

Increased requirements for stormwater management and restrictions on grading on steeper slopes has the potential to create significant adverse impacts by limiting the location of — development to slopes less than 30 percent, which could lead to an increased conversion of important agricultural soils found on less steeply sloping land. However, as noted in the DEIR, this limitation is also likely to result in a reduction in erosion, sedimentation, and drainage impacts to agricultural lands and operations.

The Department will work through the referral process to mitigate the specific agricultural resources impacts associated with individual grading projects. The Department supports the requirement for topsoil stockpiling and restoration as part of proposed development projects and for incorporating mitigation measures to increase compatibility between existing and future agricultural uses and proposed non-agricultural development.

The Department agrees that increased requirements to minimize soil erosion and sedimentation could result in less agricultural intensification of rangeland or currently uncultivated lands, but supports the conclusion that proposed restrictions on agricultural grading practices are minimized to the degree feasible while also ensuring adequate protection of the important soils resources in the County. Incorporating the technical assistance capabilities of the Resource Conservation Districts and Natural Resources Conservation Service (alternative review) as an alternative to a grading permit for specified agricultural and natural resource practices should be adequate to ensure the protection of the County's soil resources, which in turn helps to ensure the long-term sustainability of agricultural production.

The Department has several suggestions and comments (attached) relating to specific sections of the Agriculture Resource section of the DEIR.

These comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. If I can be of further assistance, please contact me at 781-5753.

4.1.1.b Agricultural Soils. (page 4.1-1)

By NRCS definition, capability class 1 and 2 soils do not qualify as prime soils. *Land capability classification* shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. By comparison, *farmland classification* identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. Thus, *land capability classification* focuses on limitations, while *farmland classification* focuses on agricultural suitability. There is substantial overlap, but not agreement, between the two. Most, but all capability class 1 and 2 soils are identified as prime farmland, while certain class 3 and 4 soils may be classified as prime farmland.

4.1.1.b Agricultural Soils. (page 4.1-1)

The NRCS defines both *land capability classification* and *farmland classifications*. The California Department of Conservation utilizes the farmland classifications as part of the Farmland Mapping and Monitoring Program (FMMP). The FMMP has modified the definition by requiring the underlying soil to be currently or recently utilized for agricultural production. Thus, the soils the FMMP Farmland Conversion Report identifies as prime farmland are those prime farmland soils that have actually been planted within the previous six years, not all prime farmland soils in the county.

4.1.1.b Agricultural Soils. (page 4.1-2)

Farmland of Local Importance is defined locally as areas of soils that meet all the characteristics of prime or statewide, with the exception of irrigation. Additional farmlands include dryland field crops of wheat, barley, oats, and safflower. See http://www.consrv.ca.gov/dlrp/fmmp/mccu/Pages/map_categories.aspx for more information.

4.1.1.c. Farmland Conversion (page 4.1-2)

The association between farmland conversion and agricultural crop values appears to compare two very different items:

- Conversion in a 2 year time period between 2004 and 2006
- Agricultural crop valuation in a 10 year time period between 1999 and 2008

Crop values typically are the result of global economic factors coupled with local weather and farmers' cropping decisions. FMMP conversion accounts for both changes to cropping patterns (intensification as well as crop idling) and development. Either of these can have a relationship to crop values found in the annual crop report, but there is not necessarily any direct relationship unless considered over a substantial period of time. The Department does not recommend coupling the two pieces of information, since there is a multiplicity of factors involved in land conversion. At a minimum, if the two are coupled, a similar time period should be used.

4.1.1.d Agricultural Preserves (page 4.1-3)

The state has traditionally partially reimbursed participating counties. While the Assessor's office could provide specifics, the state's subvention payment is typically about ten percent of the foregone property tax revenue.

E

4.1.2.b Impact AG-1 (page 4.1-6)

The Department agrees with the impact and conclusions of Impact AG-1. However, the Department evaluates impacts to all agricultural lands, not just those identified as prime farmland or prime soils. Non-agricultural development should avoid all agricultural soils to the degree feasible. If this is not feasible, non-agricultural development should minimize its footprint, avoid runoff impacts, and be located on the least productive soils.

F

4.1.2.b Impact AG-3 Mitigation 3(b) (page 4.1-9)

The Department recommends clarifying this mitigation language to match the latest proposed ordinance revisions.

G

4.1.2.b Impact AG-6 (page 4.1-12)

Agricultural buffers are not solely used to create distance separation between urban and agricultural uses, but may be used to create such separation between agricultural lands and non-agricultural uses which may generate incompatibilities between the uses. Based upon current policy, rangeland buffers are between 50 and 200, not 100, feet.

H

In addition to agricultural buffers, other compatibility measures such as fencing, construction methods, and fire protection may be recommended to minimize incompatibilities.

Letter 1

COMMENTOR: Michael Isensee
County of San Luis Obispo / Department of Agriculture

DATE: October 7, 2009

RESPONSE:

Response 1A

The commentor indicates general agreement with the analysis and conclusions in the Draft EIR. This comment is noted.

Response 1B

The commentor states that they have specific suggestions and comments. These are addressed as Responses 1C through 1H.

Response 1C

The commentor provides additional technical background regarding the classification of agricultural soils.

This issue regarding the definition of prime farmland versus prime soils is resolved by removing reference to an erroneous Natural Resources Conservation Service (NRCS) definition. Please refer to Change 2 in Section 8.2.

The commentor also notes that the area of prime farmland calculated as part of the Farmland Mapping and Monitoring Program (FMMP) includes only the farmland that was planted within the previous six years. A notation to this effect has been added. Please refer to Change 2 in Section 8.2.

Finally, the commentor requests that the EIR be revised to include specific references to dryland crops that would be capable of being grown on farmland of local importance. This has been added. Please refer to Change 3 in Section 8.2.

Response 1D

The commentor expresses concern that the EIR is comparing two different statistics: farmland conversion and crop valuation. Referencing both conversion and crop valuation was intended not to compare the two statistics on equal ground. Instead it was intended to point out that, even though farmland has been converted, valuation continues to increase. These two variables are separate and measure different phenomena. One would, however, tend to infer that an increase in farmland conversion would mean a decrease in total crop valuation. Juxtaposing these two variables was intended to show that this was not actually the case.



In order to emphasize that direct comparison of farmland conversion and crop valuation was not intended, the latter part of Section 4.1.1.c (Farmland Conversion) has been split into a new section – 4.1.1.d (Valuation). This split occurs immediately after Table 4.1.1. Please refer to Changes 4, 5, and 6 in Section 8.2.

Response 1E

The commentor correctly notes that the state only partially reimburses the County for the Williamson Act program. This has been reflected as Change 4 in Section 8.2.

Response 1F

The commentor requests that mitigation measures listed under Impact AG-1 be revised to specify that development shall avoid all farmland to the maximum extent practicable.

Mitigation Measure AG-1(a) has been revised to this extent. Please refer to Change 7 in Section 8.2. The revision would clarify that project-specific consideration of impacts to agricultural resources will include evaluation of whether non-agricultural development has been located off of farmland to the maximum extent practicable. The Agricultural Commissioner's Office has indicated that this modification would satisfy their concern.

State CEQA Guidelines Section 15088.5(b) provides that recirculation of an EIR is not required where the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR.

Response 1G

The commentor requests that Mitigation Measure AG-3(b) be modified to reflect the current proposed ordinance language that would implement this measure.

Land Use Ordinance Section 22.52.070B.11 and Coastal Zone Land Use Ordinance Section 23.05.032.b.(11) would implement Mitigation Measure AG-3(b). The proposed wording for these sections is provided on Attachment C, Pages 8 and 9 of the August 28, 2009 Public Hearing Draft. Revisions from the Public Hearing Draft version of these sections are proposed on Change Sheet #1 (Refer to Change 1.6). Under the current proposal, the implementing ordinance will have the same effect as Measure AG-3(b).

As part of the public hearing process, ordinance language is subject to change. The final language used for the ordinance sections implementing Measure AG-3(b) will be reflected in the Mitigation Monitoring and Reporting Program (MMRP) and findings that the Board of Supervisors will adopt concurrently with ordinance adoption. Through the adopted MMRP and findings, it will be assured that Measure AG-3(b) will be effectively implemented.



Response 1H

The commentor correctly notes that the range of buffer widths for non-agricultural development adjacent to rangeland is 50 to 200 feet rather than 50 to 100 feet as stated in the Draft EIR. The discussion under Impact AG-6 has been corrected to this effect. Refer to Change 8 in Section 8.2.





Planning Department
of San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408
Attn: Murray Wilson & Mike Conger

October 7, 2009

RE: Draft EIR for Changes to the Grading Ordinance

Dear Mr. Wilson and Conger:

Thank you for the opportunity to comment on the Draft EIR for the proposed changes to the Grading Ordinance. The PRWCA is concerned with the time frame between the Scoping Meeting held on July 30th; release of a Draft EIR on August 18th; and close of public comment on October 9th. This extremely accelerated pace for a CEQA analysis on a project scope of this of this magnitude circumvents the public process for which CEQA was established. We request a re-write of the Agricultural Resources Section and an extended public review period .to allow for a more thorough review by members of the public wishing to comment on this document. We recognize the need to comply with State requirements for Stormwater Management but the scope of the proposed program goes well beyond these changes and will create more significant impacts to agriculture than characterized in the Draft EIR.

As indicated in the Agricultural Commissioner's Office letter dated August 6, 2009 on the NOP for the Draft EIR, the analysis should consider the impacts to agricultural resources by unnecessarily limiting the ability of farmers and ranchers to conduct necessary grading with the minimum of delay or unnecessary regulatory burdens and/or costs. The Draft EIR does not address nor identify the significant impacts that will occur as a result of several suggested revisions in the proposed changes that will absolutely result in unnecessary delays, burdens, and costs to our farming and ranching community including:

- Requiring a form to be submitted before any field preparation occurs;
- Requiring all roads and ponds to obtain written approval from the Ag Commissioner's Office to be eligible for the Alternative Review (NRCS or RCD approved program);
- The requirement of the Alternative Review process or a County Grading Permit for agricultural grading on slopes between 20-30% and the requirement to obtain a Variance for ag grading on slopes over 30%;



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Changes in development patterns as a result of the proposed patterns could significantly impact Class I soils. These impacts should be considered significant and unavoidable. Removal and replacement of top soil on roads and building pads for other non-ag uses is insufficient mitigation. Conversion of prime soils to non-agricultural uses should be replaced at a 1:1 ratio.

D

We believe there are substantially greater impacts to Agricultural Resources than the Draft EIR acknowledges. The present Draft EIR is grossly deficient in addressing the impacts associated with Agricultural Resources. On behalf of the County's number one agricultural commodity and all other farming and ranching operations we request a substantial re-write of the Agricultural Resource Section and an extended public comment period to allow sufficient time to evaluate other components of the proposed project and Draft EIR.

E

Very Truly Yours,

Lisa M. Bodrogi
Government Affairs Coordinator
Paso Robles Wine Country Alliance

Stacie Jacob
Executive Director
Paso Robles Wine Country Alliance

Letter 2

COMMENTOR: Lisa Bodrogi, Government Affairs Coordinator
Stacie Jacob, Executive Director
Paso Robles Wine Country Alliance

DATE: October 7, 2009

RESPONSE:

Response 2A

The commentors raise concerns regarding the amount of time between the scoping meeting, the release of the Draft EIR, and the close of the Draft EIR's public comment period.

A scoping meeting was held on July 30, 2009. The Draft Environmental Impact Report was subsequently received at the State Clearinghouse on August 24, 2009, opening the public comment period. A period of 25 days elapsed between the two dates. The State CEQA Guidelines do not provide any regulations regarding the amount of time between a scoping meeting and the release of a Draft EIR. It should be noted that no formal written comments pertaining to scoping were received.

State CEQA Guidelines Section 15105(a) requires a 45-day public review period for Draft EIRs that have been submitted to the State Clearinghouse. The public comment period on the Draft EIR has been open from August 24, 2009 through October 8, 2009. This represents the required 45-day review period.

Based on the above discussion, the County has complied all applicable timing requirements established under the State CEQA Guidelines.

Response 2B

The commentor indicates that the project will create greater impacts to Agriculture than what is discussed in the Draft EIR. The commentor does not specify what these greater impacts are or how the magnitude of these impacts would be increased. Because this comment lacks specificity, a specific response cannot be provided. Through the development of the ordinance and Draft EIR, the Agricultural Commissioner's office worked closely with County Planning staff to identify potential agricultural impacts that could result from the proposed changes.

Response 2C

The commentors indicate that the EIR should consider impacts to agricultural resources which would limit the ability to do necessary grading for agricultural operations by imposing additional regulatory burdens or costs.

The Draft EIR considers impacts to agricultural resources that could occur from the revisions to procedural requirements for agricultural grading. This is discussed under Impact AG-3, which



is identified as a Class II, *significant but mitigable*, impact. To mitigate this impact, measures are proposed to accomplish the following:

- **Measure AG-3(a)** would exempt agricultural operations from the 30 percent slope limitation.
- **Measure AG-3(b)** would provide an expanded exemption for ongoing crop production and grazing. Grading activities that qualify for this exemption would not require the filing of any paperwork with the County before proceeding.
- **Measure AG-3(c)** would exempt agricultural operations from having to prepare a drainage plan for County review and approval.
- **Measures AG-3(d)** would exempt agricultural operations from having to prepare a Stormwater Pollution Prevention Plan (SWPPP) for County review and approval, consistent with the state-established conditional waiver for irrigated agriculture.

With the incorporation of the above mitigation measures, the residual impact would be less than significant.

Regarding the requirement for Agricultural Commissioner review of agricultural ponds and roads, County Planning currently consults with the Agricultural Commissioner's office regarding proposal for roads and ponds. It is not anticipated that valid agricultural operations will be disqualified from using the Alternative Review Program through this procedure. One of the Agricultural Commissioner's primary roles is to support on-going and expanding agricultural operations.

The commentors incorrectly note that the ordinance revisions would require a Variance in order to allow agricultural grading on slopes over 30 percent. In accordance with Measure AG-3(a), agricultural uses would not be subject to the 30 percent slope limitation.

Based on the above discussion, the Draft EIR does, in fact, identify and address potential impacts to agricultural resources resulting from additional regulatory requirements. Therefore, the commentors' assertion that these impacts are not identified or addressed is inaccurate.

Response 2D

The commentors note that the proposal would result in impacts to prime agricultural soils, and that such impacts would be significant and unavoidable. The Draft EIR identifies two impacts pertaining to development occurring on prime soils:

- **Impact AG-1** states that the revised development standards could result in development being located on prime soils. This impact is Class II, *significant but mitigable*.
- **Impact AG-2** states that limiting development on slopes over 30 percent could force non-agricultural development onto prime soils. This impact is Class I, *significant and unavoidable*.



The commentor opines that a requirement for replacement of topsoil is insufficient mitigation, and that prime agricultural soils should be replaced at a 1:1 ratio.

Impact AG-1 is considered *significant, but mitigable*, because mitigation measures are proposed, which will serve to avoid having non-agricultural development occur on prime soils. Impact AG-2 is considered *significant and unavoidable* because a specific requirement limiting development on steep soils could force development on more level terrain, which generally is also the more suitable farmland.

The requirement for restoration of topsoil (Measure AG-1(b)) is one of several mitigation measures that are proposed to offset potential conversion of agricultural land. Two additional measures are identified to offset Impact AG-1 specifically:

- **Measure AG-1(a)** requires that grading projects be individually evaluated to consider the potential for impacts on agricultural resources.
- **Measure AG-1(c)** requires that the Director make a finding that the project has been located off of prime agricultural soils to the maximum extent feasible.

These mitigation measures focus on avoidance. Avoidance is generally preferable over replacement in-kind. A 1:1 replacement program would be difficult to administer and the effectiveness of such mitigation is questionable.

With the incorporation of the above mitigation measures, impacts pertaining to conversion due to a change in development standards (Impact AG-1) would be reduced to a less-than-significant level. It should be noted that this analysis has been completed at a *program* level. Data pertaining to specific projects is not available. The grading ordinance requires that grading projects be reviewed under the California Environmental Quality Act. Therefore, if a grading project would result in the potential for significant impacts to agricultural resources due to conversion of farmland, that project would either be mitigated to a level of insignificance as part of a project-specific Mitigated Negative Declaration, or considered under a project-specific Environmental Impact Report.

To conduct a project-level analysis in a programmatic EIR when such data is unavailable would be speculative. Speculative impacts are specifically exempted from inclusion in an EIR pursuant to State CEQA Guidelines Section 15145.

Response 2E

The commentors opine that there would be greater impacts to agricultural resources than what is considered under the Draft EIR. They further assert their opinion that the Draft EIR is “grossly deficient.” This comment has been noted.



The specific issues raised by the commentors elsewhere in their letter are addressed in Responses 2C and 2D. These responses enumerate how the commentors' concerns were already adequately identified and analyzed in the Draft EIR. The commentors provide no further details on what makes the Draft EIR deficient. The commentors do not establish a factual basis for this assertion. Therefore no response to this assertion can be provided, beyond what has already been addressed in Responses 2C and 2D.

